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Attorneys for Plaintiff

ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

**DECLARATION OF CHRISTINA VON
DER AHE RAYBURN IN SUPPORT OF
ORACLE'S STATEMENT
REGARDING WILLFULNESS
EVIDENCE PER ECF NO. 1297**

1 I, Christina Von der Ahe Rayburn, declare and state as follows:

2 1. I am a member of the bar of the State of California, admitted to practice before this
3 Court, and am a senior associate with the law firm of Orrick, Herrington & Sutcliffe LLP
4 (“Orrick”), attorneys of record for Plaintiff Oracle America, Inc. (“Oracle”). I am familiar with
5 the events, pleadings and discovery in this action and, if called upon as a witness, I could and
6 would testify competently to the matters stated herein of my own personal knowledge.

7 2. I submit this declaration in support of Oracle’s Statement Regarding Willfulness
8 Evidence per ECF No. 1297.

9 3. Attached hereto as **Exhibit 1** is a true and correct copy of a portion of the final
10 jury instructions issued in the case of *Williams v. Bridgeport Music, Inc.*, No. LA CV13-06004
11 JAK (AGRx) (C.D. Cal. Mar. 10, 2015). **Exhibit 1** reflects Jury Instruction No. 38 of those
12 instructions, and can be found at ECF No. 322 on that case’s docket.

13 4. Attached hereto as **Exhibit 2** is a true and correct copy of a portion of the Joint
14 [Proposed] Jury Instructions filed in *Williams v. Bridgeport Music, Inc.*, No. LA CV13-06004
15 JAK (AGRx) (C.D. Cal. Jan. 21, 2015), at ECF No. 223.

16 5. Attached hereto as **Exhibit 3** is a true and correct copy of a portion of the Joint
17 [Proposed] Jury Instructions filed in *Williams v. Bridgeport Music, Inc.*, No. LA CV13-06004
18 JAK (AGRx) (C.D. Cal. Jan. 21, 2015), at ECF No. 223-2, Exhibit 22.

19 6. Attached hereto as **Exhibit 4** is a true and correct copy of portions of the Amended
20 Notice of Disputed Jury Instructions filed in *Williams v. Bridgeport Music, Inc.*, No. LA CV13-
21 06004 JAK (AGRx) (C.D. Cal. Feb. 3, 2015), at ECF No. 244.

22 7. Attached hereto as **Exhibit 5** is a true and correct copy of to the Joint [Proposed]
23 Jury Instructions filed in *Williams v. Bridgeport Music, Inc.*, No. LA CV13-06004 JAK (AGRx)
24 (C.D. Cal. Jan. 21, 2015), at ECF No. 223-2, Exhibit 20.

25 8. Attached hereto as **Exhibit 6** is a true and correct copy of the Jury Instructions
26 given in *Classic Concepts, Inc. v. Linen Source Inc.*, No. 04-cv-8088 GPS (MANx) (C.D. Cal.
27 Aug. 23, 2007), available at ECF No. 216 on that case’s docket, as well as on www.lexis.com at
28 2007 Jury Instr. LEXIS 2036.

1 9. Attached hereto as **Exhibit 7** is a true and correct copy of the parties' jointly
2 proposed jury instructions in *Pure Power Boot Camp, Inc. v. Warrior Fitness Boot Camp, LLC*,
3 No. 08-cv-04810-THK (S.D.N.Y. Dec. 24, 2010), available at ECF No. 171-1 on that case's
4 docket, as well as on www.lexis.com at 2010 Jury Instr. LEXIS 1405.

5 I declare under penalty of perjury under the laws of the United States that the foregoing is
6 true and correct.

7 Executed this 1st day of September, 2015, at Irvine, CA.

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Christina Von der Ahe Rayburn